

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRICE R. MILLER,

Defendant.

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8:07CR109

ORDER

This matter is before the court on the motion of Theresa A. Gase to withdraw as counsel for the defendant, Brice R. Miller (Miller) (Filing No. 15). Ms. Gase represents she has a conflict of interest in this matter. Ms. Gase's motion to withdraw (Filing No. 15) is granted.

The Federal Public Defender for the District of Nebraska is appointed to represent the above named defendant in this matter. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file a written appearance in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district. Ms. Gase shall forthwith provide the Office of the Federal Public Defender for the District of Nebraska with the discovery materials provided the defendant by the government and such other materials obtained by Ms. Gase which are material to Miller's defense.

The clerk shall provide a copy of this order to the Office of the Federal Public Defender.

Trial of this matter is currently scheduled for February 4, 2008. In order to provide newly appointed counsel with adequate time to prepare this matter for trial, trial of this matter is re-scheduled for **February 25, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by continuing the trial and outweigh the

interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the continuance, i.e., the time between **January 22, 2008 and February 25, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 22nd day of January, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge